

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12823 of 2023

-
-
- 1 . Tarannum Shiri D/o-Md. Jamaluddin R/o-Vill-Urain, P.S.-Kajra, District-Lakhisarai.
 2. Shaista Anjum D/o -Syed Shhabuddin R/o-Vill-Dilawarpur, P.S.-Kotwali Munger, District-Munger.

... .. Petitioner/s

Versus

- 1 . The State of Bihar Bihar
2. The Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna.
- 3 . The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Education Officer, Lakhisarai.
- 5 . The District Programme Officer (Estt.), Lakhisarai.
6. The Block Development Officer, Surajgarha, District-Lakhisarai.
7. The Block Education Officer Surajgarha, District-Lakhisarai.
- 8 . The Mukhiya, Gram Panchayat Raj Urain, P.S.-Kajra, District-Lakhisarai.
9. The Panchayat Secretary, Gram Panchayat Raj Urain, P.S.-Kajra, Block-Surajgarha, District-Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh, Advocate
For the Respondent/s : Mrs. Smt. Binita Singh (Sc28)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-12-2024 Heard learned counsel for the parties.

2. This writ application has been filed for the
following reliefs:-

(i) To direct the appointing authority of Primary School, Muslim Tola Nichla Gram Panchayat Raj Urain Block Suryagarha District Lakhisarai to allow the petitioners to mark their attendance in the attendance register of the school and allow them to discharge their duties as Panchayat Teacher.



(ii) To direct the respondents to count the service of petitioners wef 04.01.2021 for all the consequential and monetary benefits.

(ii) To direct the respondent authority to pay the arrear of salary to the petitioners from 04.01.2021 till date with statutory interest.

(iv) To direct the respondent authority not to disturb the petitioners from discharging their duties on the post of Panchayat Teacher in their respective Schools.

3 . At the outset, learned counsel appearing on behalf of the State raises preliminary objection to the effect that an alternative Statutory remedy is available to the petitioners to move before the District Appellate Authority by way of filing appropriate application under Section 13 of Bihar State School Teacher (Appointment, Transfer, Disciplinary Proceedings and Service Conditions) Rules, 2020 (hereinafter referred as “Rules, 2020”), which deals with the power and functions of the District Appellate Authority.

4. Since the petitioners have got statutory alternative remedy to move before the District Appellate Authority under Rule 13 of the Rules 2020, this Court is not inclined to interfere in the matter in its extra-ordinary writ jurisdiction.

5 . In view of the aforesaid facts and circumstances, petitioners are directed to file an application before the District



Appellate Authority in accordance with law.

6. In the event, such application is filed by the petitioners, the authority concerned is directed to dispose of the same, in accordance with law, after hearing the parties, by a reasoned and speaking order, as expeditiously as possible.

7. With the aforesaid observations and directions, this writ application stands disposed of.

8 . It goes without saying that if any question of limitation arises before the District Appellate Authority, the same shall be considered, taking into consideration the fact that the petitioners was pursuing the issue before this Court under Article 226 of the Constitution of India .

(Prabhat Kumar Singh, J)

Koushik/-

U			
---	--	--	--

